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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/708,872	03/30/2004	Steven D. Cheng	ACMP0185USA	2871

27765 7590 09/25/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION  
P.O. BOX 506  
MERRIFIELD, VA 22116

EXAMINER
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MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/708,872

Applicant(s)

CHENG, STEVEN D.

Examiner

Naghmeh Mehrpour

Art Unit

2617

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 12/3/06 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-8 and 10-17.  
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: please see the attachment.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

**NELODY MEHRPOUR**  
**PATENT EXAMINER**

***Response to Arguments***

1. Applicant's arguments filed 07/03/06 have been fully considered but they are not persuasive.

In response to the applicant's argument that "*Shioda does not teach that the position of the mobile station is set to be equal to the position of the base station when the mobile is less than a predetermined distance away from the base station*", the examiner that Shioda teaches covariance matrix the respective terms  $\sigma_{xx}$ ,  $\sigma_{xy}$ ,  $\sigma_{yx}$ ,  $\sigma_{yy}$  constituting the matrix (17) indicate a variance which has the nature of a weighting coefficient that adversely affects the positioning accuracy, between the base stations A, B, C and the positioning apparatus 10. Therefore, when the terms  $\sigma_{xx}$ ,  $\sigma_{xy}$ ,  $\sigma_{yx}$ ,  $\sigma_{yy}$  have small values, this means that a resulting rough position POSI exhibits a small positioning error and a high positioning accuracy. Thus, as shown in the following equation, the value HDOP (Horizontal Dilution Of Precision) of a square root of square sum of the terms  $\sigma_{xx}$ ,  $\sigma_{yy}$  is calculated, and this value HDOP is determined as a value indicative of a quantified positioning error on a horizontal coordinate plane.  $HDOP = \sqrt{2\sigma_{xx} + 2\sigma_{yy}}$  (18) (0170), the positioning data DPs indicative of the current position  $(x_p, y_p)$  of the positioning apparatus 10, which is the positioning result, is transmitted to a nearby base station to which a request is made for delivering the navi information instructed by the user. For example, when the user requests information on a map of surroundings including the current position

(xp, yp) as the navi information, the nearby base station is requested to deliver map information. It is also possible to request the base station to deliver a variety of navi information such as information required for shopping such as restaurants, shops and so on located around the current position (xp, yp), amusement facilities, public facilities, sight-seeing spots, and the like (0181).

The navi information, is transmitted from the base station, the receiver section 11rx receives the delivered radio wave, and acquires the navi information from received data Drx. Then, the receiver section 11rx displays the acquired navi information, and the current position (xp, yp), which is the positioning result, on the display part 16 for provision to the user (0182). For example, as illustrated in FIG. 22A, the map information delivered thereto is displayed on the display part 16, and a symbol "P" indicative of the current position (xp, yp) is blinked in the map, thereby improving the convenience of the user. Also, when the value of the positioning error HDOP, which was calculated when determining the current position (xp, yp), corresponding to the current position is larger than a predetermined value, the positioning error HDOP is converted to a distance, and as illustrated in FIG. 22B, a circle Cerr centered at the current position (xp, yp) and having a radius equal to the distance converted from the positioning error HDOP is displayed. In this manner, it is also possible to allow the user to recognize to which degree the current position (xp, yp) is correct (0183).

**Conclusion**

**2. Any responses to this action should be mailed to:**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Naghmeh Mehrpour whose telephone number is 571-272-7913.

The examiner can normally be reached on 8:00- 6:00.

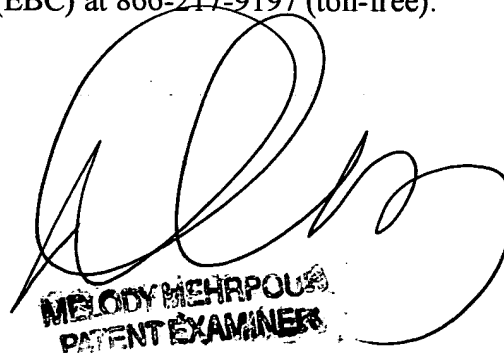
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha Banks-Harold be reached (571) 272-7905.

The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NM

September 19, 2006



MELODY MEHRPOUR  
PATENT EXAMINER